

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-32, 34, 35, 37-39, 41, 42, 44-63, 65-67 and 69-72 are pending in the application, with claims 1, 7, 8, 10, 16, 22, 23, 26, 39 and 55 being the independent claims.

Based on the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Non-Statutory Double Patenting Rejection

The Examiner has provisionally rejected claims 1-72 on the grounds of nonstatutory double patenting over claims of co-pending U. S. Patent Application Ser. No. 10/809,685 to Kolze, et al., (the '685 application) asserting that the claims, if allowed, would improperly extend the right to exclude already granted in the patent.

Applicant is submitting a Terminal Disclaimer concurrently herewith to overcome the double patenting rejection. The filing of the Terminal Disclaimer is not an admission of the propriety of the rejection. *Quad Environmental Technologies Corp. v. Union Sanitary District*, 946 F.2d 870 (Fed. Cir. 1991). Thus, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

Reply to Office Action of June 23, 2009

Thomas KOLZE
Appl. No. 10/809,893

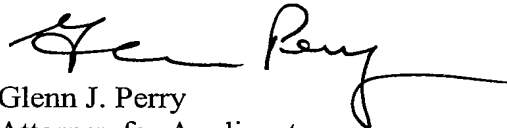
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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